

IN RE: PETITION FOR ZONING VARIANCE
2/3 Falls Road, 1600' S of
the C/L of Ivy Hill Road
(1 and 2 Deep Run Court)
8th Election District
3rd Councilmanic District
The Pines at Deep Run Ltd. Part.
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-119-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a maximum 243 sq. ft. wall on each side of the entrance to the subject site with the name "The Pines at Deep Run" placed thereon with 12.8 sq. ft. lettering in lieu of the maximum permitted 15 sq. ft. total sign area as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Ronald C. Schaffel, General Partner, appeared, testified, and was represented by New A. Williams, Esquire. Also appearing on behalf of the Petition was A. D. McComas, adjoining property owner, and Dwight Little, Engineer with W. Duvall and Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 1 and 2 Deep Run Court, is located at the entrance to the subdivision known as The Pines at Deep Run, which consists of 37.61 acres, zoned R.C.5, and has been subdivided into 12 building lots varying from 1 acre to 8 acres. Petitioners have constructed two brick and limestone retaining walls at the entrance to the site and are desirous of placing single-faced, non-illuminated, simulated brass lettering to identify the name of the subdivision on each wall. While the size of the brick wall exceeds 243 sq. ft., the lettering will not exceed 12.8 sq. ft. total.

In support of Petitioners' request, Petitioners submitted letters from numerous adjoining property owners, both residing within the development and in the surrounding area. Testimony indicated that the proposed entrance signs, in addition to being an enhancement to the area, will help travelers and emergency vehicles identify the development, thus increasing public safety and welfare. Further, the granting of the variance will not result in any detriment to the health, safety and general welfare of the community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Ed. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of October, 1989 that the Petition for Zoning Variance to permit a maximum 243 sq. ft. wall on each side of the entrance to the subject site with the name "The Pines at Deep Run" placed thereon with 12.8 sq. ft. lettering in lieu of the maximum permitted 15 sq. ft. total sign area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bja

ORDER RECEIVED FOR FILING
Date 10/11/89
By [Signature]

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-119-A
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.1E(1) of the Zoning Ordinance to permit a maximum 243 square foot wall on each side of the entrance with the name "THE PINES AT DEEP RUN" with 12.8 square foot of lettering in lieu of 15 square foot maximum of total sign area

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)
1) Traffic traveling in a southerly direction on Falls Road is unable to identify the name of the development.
2) The aesthetics of the brick walls would be enhanced by the inclusion of signage.
3) It would be in the best interests of the purchasers of lots at "The Pines at Deep Run" to have identification signs facing north and south rather than simply a northerly direction.
4) Signage facing in both directions would enable police & fire departments responding to emergencies to better identify the development & enhance public safety & welfare.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Phillip Z. Altfield

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 821-1160

530 East Joppa Road

821-9571

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of September, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building, in Towson, Baltimore County, on the 31st day of September, 1989, at 10:00 A.M.

County, on the 31st day of September, 1989, at 10:00 A.M.

By [Signature]
Zoning Commissioner of Baltimore County.

(over)

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

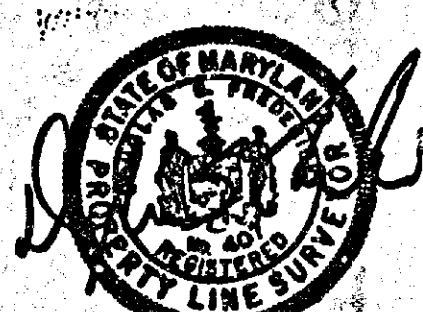
June 13, 1989
Zoning Description
Lot No. 12 "The Pines at Deep Run"
Plat Book SN 60 Folio 49
Lot No. 1 "The Pines at Deep Run"
Plat Book L.I. 59 Folio 128

BEGINNING for the first 1600 feet southeasterly from Falls Road and Ivy Hill Road at the southeast intersection of Falls Road, future 80 foot Right of Way, and Deep Run Court, 50 foot Right of Way, as shown on a plat entitled "Resubdivision of Lot 10 The Pines at Deep Run" as recorded among the Land Records of Baltimore County in Plat Book S.N. 60 Folio 49, said point being designated as coordinate No. 28; thence binding on the southernmost Right of Way line of Deep Run Court, North 38 degrees 14 minutes 09 seconds East 13.67 feet; thence by a curve to the right having a radius of 642.82 feet and an arc length 103.23 feet being subtended by a chord bearing South 89 degrees 44 minutes 16 seconds East 103.12 feet; thence South 85 degrees 08 minutes 14 seconds East 319.47 feet; thence leaving said court, South 08 degrees 07 minutes 11 seconds West 174.89 feet; thence North 81 degrees 52 minutes 47 seconds West 388.17 feet to the easternmost Right of Way line of Falls Road; thence binding thereon, North 38 degrees 47 minutes 58 seconds East 138.74 feet to the point of beginning.

CONTAINING 1.630 acres, more or less.
Also being known as No. 1 Deep Run Court.

BEGINNING for the second 1530 feet southeasterly from Falls Road and Ivy Hill Road at the northeast intersection of Falls Road, future 80 foot Right of Way, and Deep Run Court, 50 foot Right of Way, as shown on a plat entitled "The Pines at Deep Run" as recorded among the Land Records of Baltimore County in Plat Book S.N. 59 Folio 128, said point No. 29; thence binding on the northernmost Right of Way line of Deep Run Court, South 51 degrees 56 minutes 18 seconds East 14.62 feet; thence South 85 degrees 08 minutes 14 seconds East 220.87 feet; thence North 04 degrees 23 minutes 30 seconds East 182.74 feet; thence North 85 degrees 38 minutes 30 seconds West 364.60 feet; thence South 05 degrees 32 minutes 44 seconds West 100.87 feet; thence South 08 degrees 47 minutes 58 seconds East 82.76 feet to the point of beginning.

CONTAINING 1.52 acres, more or less.
Also being known as No. 2 Deep Run Court.



530 East Joppa Road / Towson, Maryland 21204 (301) 281-1160

September 27, 1989

RECEIVED
SEP 28 1989
ZONING OFFICE

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Haines:

We, the undersigned are all owners of residences surrounding the development known as "The Pines at Deep Run".

We understand that the developer wishes to have the name of the development appear on the brick wall in front of the development which faces in a northerly direction on Falls Road and that the sign will be identical to the existing sign which now faces in a southerly direction.

We have no objection what so ever to your granting the developer the zoning variance requested.

Sincerely,

William Specht
12333 Falls Road

Robert Hoffman
12325 Falls Road

Douglas McComas
12405 Falls Road

Horace E. Belcher, Jr.
12337 Falls Road

Petitioners Exhibits 4

Petitioners Exhibit 5

September 25, 1989

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Haines:

I am currently building a house at 3 Deep Run Court in "The Pines at Deep Run" subdivision and I am very much in favor of having the name of the subdivision appear on the 2 brick walls that face each other at the entrance to The Pines at Deep Run.

Case # 90-119-A



RECEIVED
SEP 25 1989
ZONING OFFICE

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204

Dear Mr. Haines:

I am the owner and builder of a luxury residence located in the subdivision known as "The Pines at Deep Run".

Potential buyers of this home have missed the turn into the subdivision from Falls Road when proceeding on Falls Road in a southerly direction.

If the variance were granted permitting a sign to be installed on the brick wall that faces north on Falls Road, I don't think anyone would have difficulty in locating this subdivision.

Sincerely,

CADDIE HOMES

Nick Dahan
Vice President

ND/th
cc: Mr. Ronald Schaffel

Petitioners Exhibit 6

LAW OFFICES

TYDINGS & ROSENBERG

201 NORTH CHARLES STREET

BALTIMORE, MARYLAND 21201

(301) 752-6100

September 21, 1989

RECEIVED
SEP 22 1989
ZONING OFFICE

Hon. J. Robert Haines
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Re: The Pines at Deep Run

Dear Mr. Haines:

I am the owner of lot #12 known as 1 Deep Run Court in the subdivision known as "The Pines at Deep Run".

I readily understand why the developer is requesting a variance from Baltimore County, Maryland to install a sign depicting the name of the development on the southerly brick entrance wall.

Traffic heading South on Falls Road would be unable to identify this development without an aid and I respectfully urge you to grant the zoning variance.

Very truly yours,

Stuart R. Rombro
Stuart R. Rombro

SRR:sal

cc: Ronald Schaffel

Petitioners Exhibit 7

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Newton Williams	700 Court Levee, #1204
Ronald O. Schaffel	72 W. AUBURN, NE S-300
A.D. McComas	12405 FALLS RD. COCKEYSVILLE
Dwight Little	W. Duvall & Assoc.
	530 E. Joppa Rd. 21204

APPAREL ASSOCIATES, INC. 7111 WINDSOR BOULEVARD BALTIMORE, MARYLAND 21207 - PHONE 301/365-8700

September 22, 1989

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, MD. 21204

Dear Mr. Haines,
I am the owner of the property known as 4 Deep Run Court in the subdivision known as "The Pines at Deep Run" and I would urge you to grant the variance requesting that the name of the development be placed on the northern entrance wall so that traffic driving south on Falls Rd. can identify this location.

Sincerely yours,
Irvin Rosenstadt

RECEIVED
SEP 25 1989
ZONING OFFICE

Petitioner's
Exhibit
#8

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-119-A

District: 8th Date of Posting: September 18, 1989
Posted for: Variance
Petitioner: The Pines at Deep Run Limited Partnership
Location of property: E/S Falls Road, 1600' S c/l Ivy Hill Road
1 and 2 Deep Run Court
Location of Sign: S/E Corner of Falls Road and Deep Run Court
Remarks:
Posted by: S.J. Guter Date of return: September 18, 1989
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. Sept 17, 1989
THIS IS TO CERTIFY that the aforesaid advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. appearing on Sept 7, 1989.
THE JEFFERSONIAN
Publisher
PO 16320
eg 113472
co 90-119-A
Price \$41.37



Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

County Executive
Dennis F. Rasmussen
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204
JAB/DKD
12333 FALLS RD.
THE PINES AT DEEP RUN LTD. PARTNERSHIP
C/O RONALD O. SCHAFFTE, PO BOX 55088 21209
OWNER
LAPIER-SMITH 211 W. FAYETTE ST. BALTO. MD 21201
ES FALLS RD. 1600 S. IVY HILL RD.
A. TYPE OF IMPROVEMENT
1. NEW BUILDING CONSTRUCTION
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING (ENTER NO. UNITS DESTROYED)
6. DOORWAY
7. OTHER
B. OWNERSHIP
1. PRIVATELY OWNED
2. PUBLICLY OWNED
C. TYPE OF USE
1. RESIDENTIAL
2. NON-RESIDENTIAL
3. OFFICE, BANK, PROFESSIONAL
4. PUBLIC UTILITY
5. SCHOOL, COLLEGE, OTHER EDUCATIONAL
6. STORE
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THIS PERMIT MUST BE POSTED
SEE OTHER SIDE FOR INSPECTIONS

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner
DATE 9/12/89

The Pines at Deep Run Limited Partnership
22 West Allegheny Avenue
Towson, Maryland 21204
ATTN: RONALD O. SCHAFFTE
Re: Petition for Zoning Variance
CASE NUMBER 90-119-A
E/S Falls Road, 1600' S c/l Ivy Hill Road
and 2 Deep Run Court
8th Election District - 3rd Councilmanic
Petitioner(s): The Pines at Deep Run Limited Partnership
HEARING SCHEDULED: TUESDAY, OCTOBER 3, 1989 at 9:30 a.m.

Gentlemen:
Please be advised that \$37.97 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND No. 077312
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 10/3/89 ACCOUNT R-01-615-000
AMOUNT \$ 37.97
RECEIVED FROM The Pines at Deep Run
FOR PAID 10/3/89 by 90-119-A
B 013*****875718 PC34F
VALIDATION OR SIGNATURE OF GAMER

CENTRAL BUILDING SUPPLY, INC.
(FORMERLY TRADING AS ROOFERS SUPPLY COMPANY)
2801 BUENA VISTA AVENUE BALTIMORE, MARYLAND 21211
INCORPORATED 1931

September 21, 1989

J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Dear Mr. Haines:

Were you to grant the zoning variance requested by Mr. Ronald Schafte on behalf of The Pines at Deep Run, you would accomplish two very worthwhile things.

1. Since there is a similar sign on the north wall, it would balance out the entrance in an extremely aesthetic way.
2. It permits traffic heading in the Southernly direction on Falls Road to easily identify the development.

Very truly yours,
Stuart Rosenzweig
President
SR/lac

RECEIVED
SEP 25 1989
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner
August 17, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER 90-119-A
E/S Falls Road, 1600' S c/l Ivy Hill Road
1 and 2 Deep Run Court
8th Election District - 3rd Councilmanic
Petitioner(s): The Pines at Deep Run Limited Partnership
HEARING SCHEDULED: TUESDAY, OCTOBER 3, 1989 at 9:30 a.m.

Variances to permit a maximum 243 square foot wall on each side of the entrance with the name "THE PINES AT DEEP RUN" with 12.8 square foot of lettering in lieu of 15 square foot maximum of total sign area.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

September 21, 1989

Baltimore County
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204
Attention: Mr. Mitch Kellman

Re: Zoning Variance
Case No. 90-119-A
"The Pines at Deep Run"

Dear Mr. Kellman:

We have been informed by our client, Mr. Ron Schafte, that the attorney for the above named Zoning Variance Petition has been changed.

The attorney who will be representing The Pines at Deep Run Limited Partnership at the hearing on October 3, 1989 will be Newton Williams, Esq., 700 Court Towers, 210 W. Pennsylvania Avenue, Towson, Maryland, 21204. Please adjust your records accordingly.

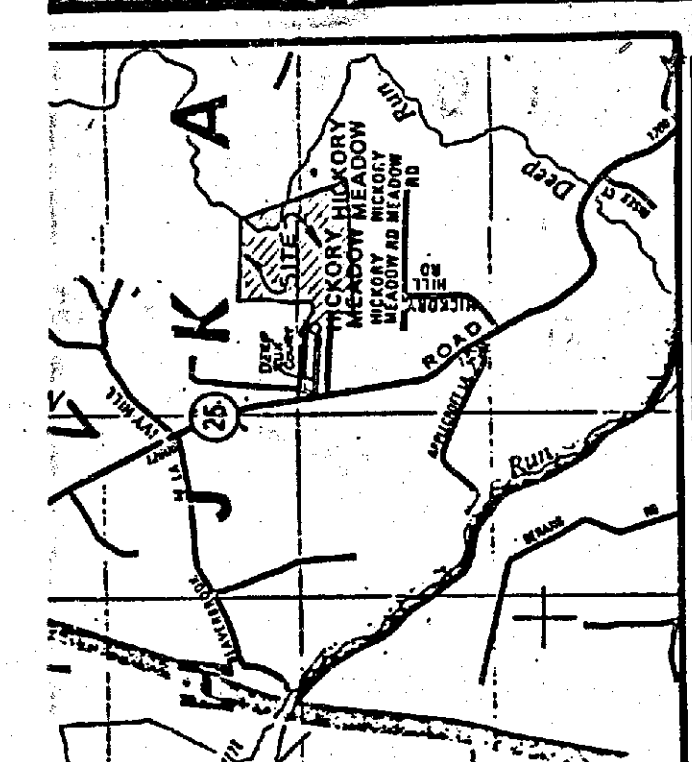
If you need any further information, please do not hesitate to call me at the number listed below.

Very truly yours,
W. Duvall & Associates, Inc.
Sandra J. Norris
Sandra J. Norris

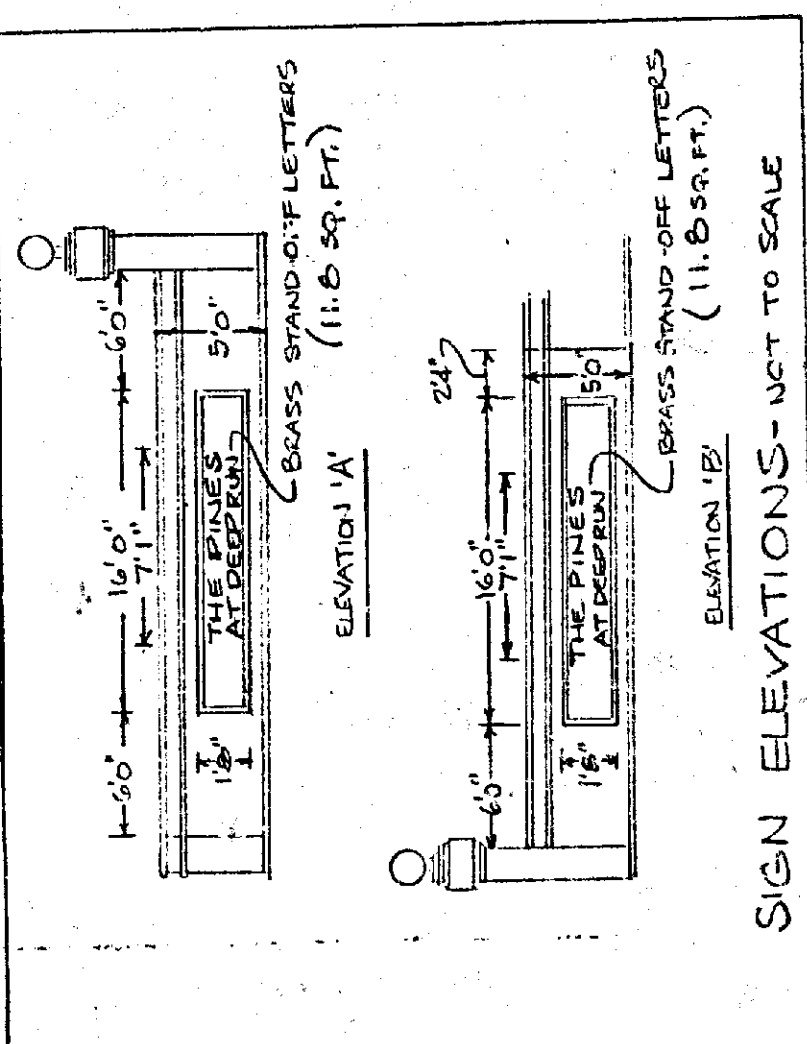
SJN:sim

cc: Mr. Ron Schafte

530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

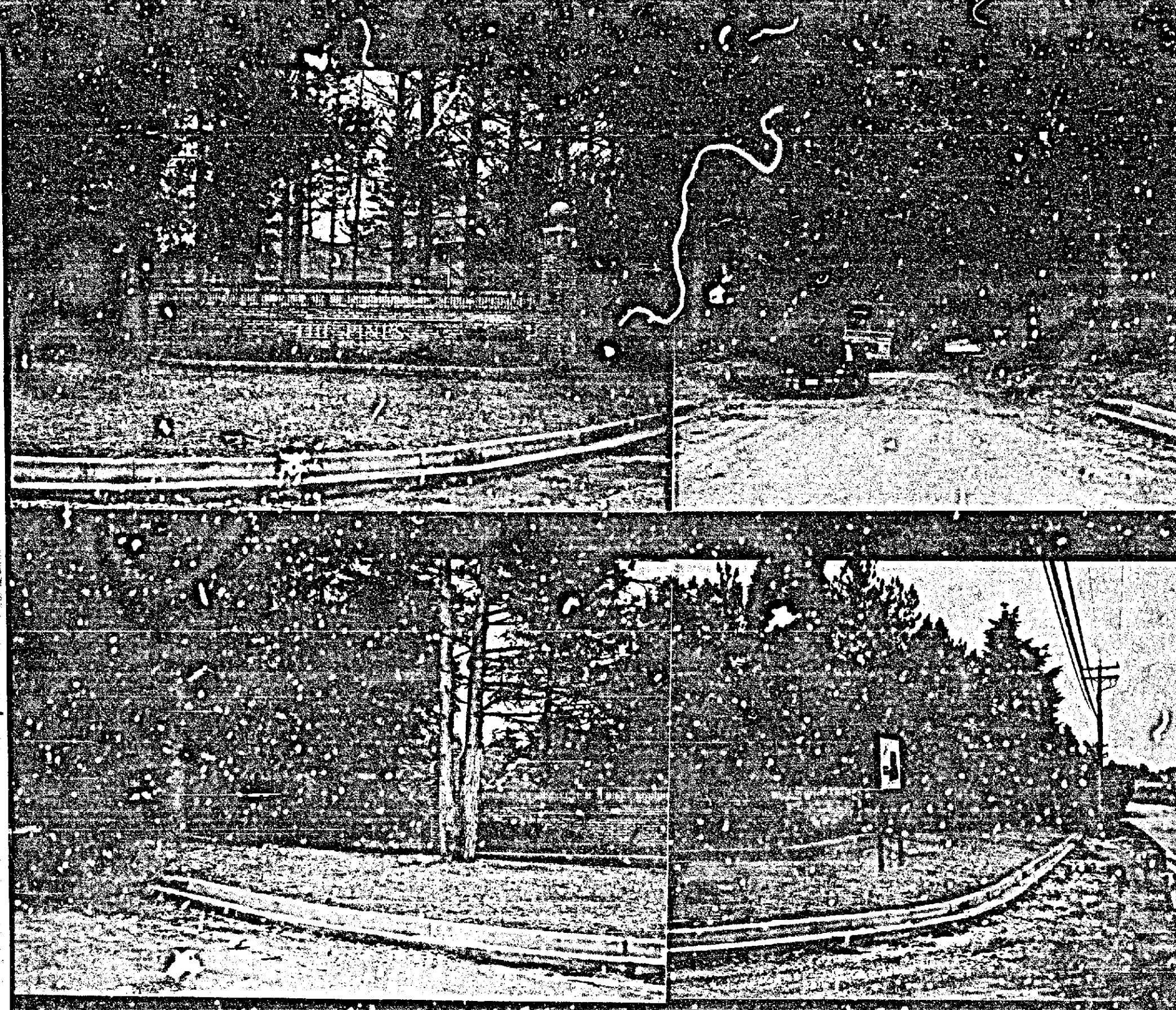
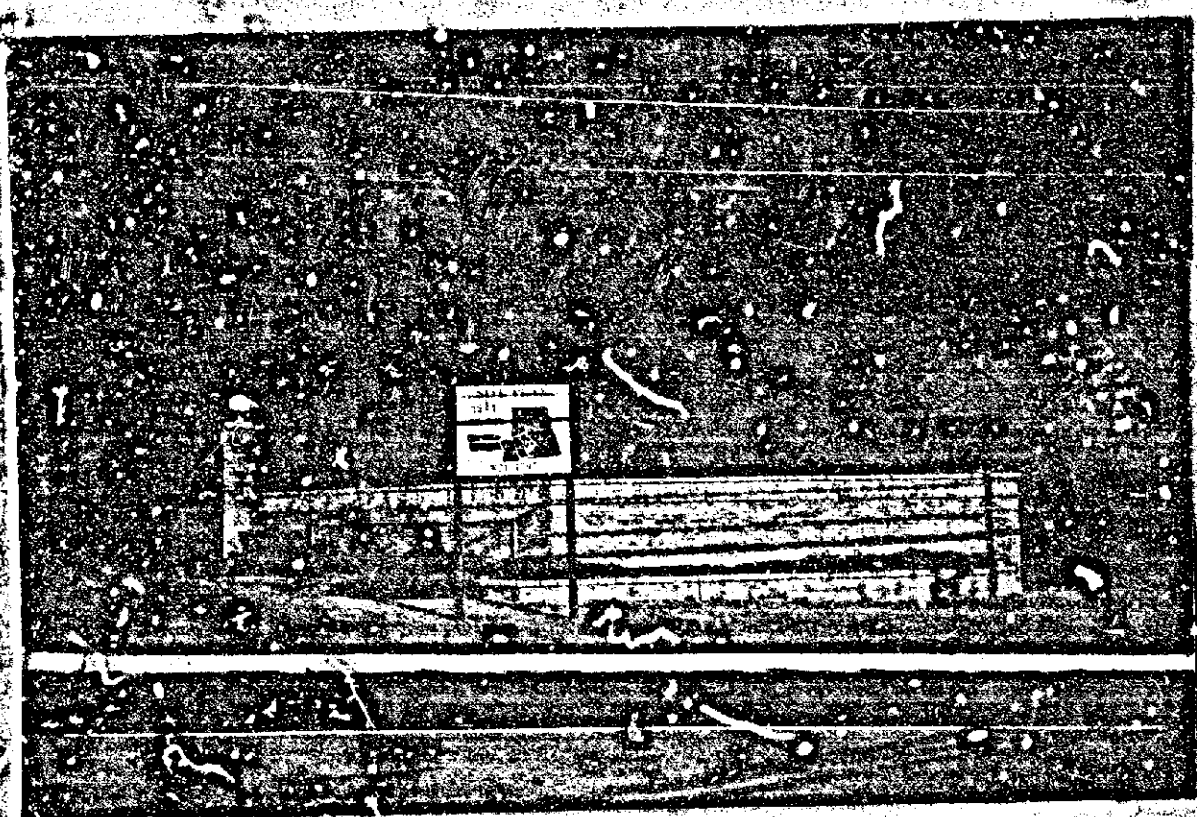


VICINITY MAP
SCALE 1" = 800'



563
THE PINES AT DEEP RUN
SIGN ELEVATIONS - NOT TO SCALE
ELEVATION 1' (11.8' to 12.8')
ELEVATION 2' (11.8' to 12.8')
ELEVATION 3' (11.8' to 12.8')
ELEVATION 4' (11.8' to 12.8')
ELEVATION 5' (11.8' to 12.8')
ELEVATION 6' (11.8' to 12.8')
ELEVATION 7' (11.8' to 12.8')
ELEVATION 8' (11.8' to 12.8')
ELEVATION 9' (11.8' to 12.8')
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ELEVATION 57' (11.8' to 12.8')
ELEVATION 58' (11.

THE PINES AT DEEP RUN - ENTRANCE



The Pines at Deep Run



Maryland Department of Transportation
State Highway Administration

Richard M. Trainor
Secretary
Hal Kassoff
Administrator

July 7, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Att: Mr. James Dyer

Re: Baltimore County
ZAC Meeting of
July 5, 1989
The Pines at Deep Run
Partnership, East Side
Falls Road, Route 25
1600' South of Ivy Hill
Road, Variance for a wall
on each side of the
entrance

Dear Mr. Haines:

Upon reviewing the plan and inspecting the site, we find the plan acceptable.

Very truly yours,

Charles J. Mills, Jr.
Charles J. Mills, Jr., Chief
Engineering Access Permits
Division

JEM:maw

RECEIVED
JUL 10 1989

ZONING OFFICE

My telephone number is (301) 333-0350 (Fax Number 333-1041)

Teleprinter for Impaired Hearing or Speech
883-7558 Baltimore Metro - 442-9451 D.C. Metro - 442-9451 Statewide Toll Free
701 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: September 25, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: The Pines at Deep Run Limited Partnership, Item No. 563
Zoning Petition No. 90-119-A

The Petitioner requests a Variance to permit a sign exceeding 15 square feet.

In reference to this request, staff offers no comment.

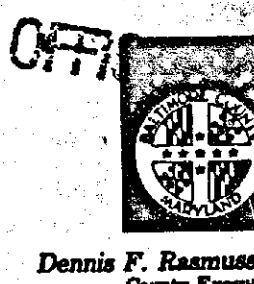
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/pat

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 26, 1989

RECEIVED
AUG 3 1989
ZONING OFFICE



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 523, 541, 560, 561, 562, 564, 566, 567, 568, 570, 571, and 572.

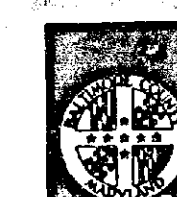
Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500

JUNE 27, 1989



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THE PINES AT DEEP RUN LIMITED PARTNERSHIP
Location: E/S OF FALLS ROAD
Item No.: 563 Zoning Agenda: JULY 5, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Kelly* Noted and Approved *Capt. Tim Boudreau*
Planning Group Fire Prevention Bureau
Special Inspection Division

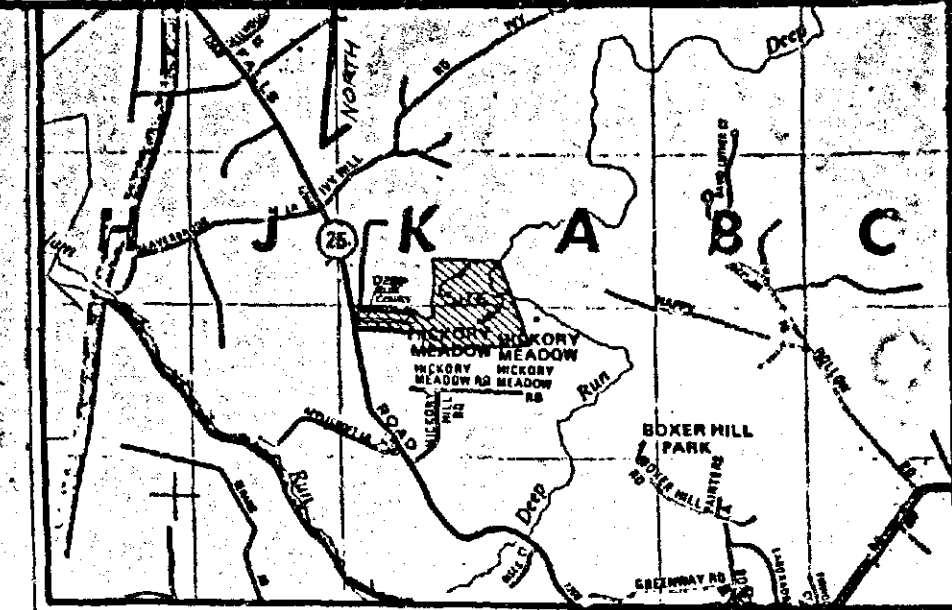
JK/kek

TYPE	CLASS	SOIL TYPES AND LIMITATIONS	WATER DISPOSAL/FILTER FIELDS
1	A	SLIGHTLY MODERATE SLOPE	SLIGHT
2	B	MODERATE SLOPE	MODERATE
3	C	SEVERE SLOPE	SEVERE
4	D	SEVERE SLOPE	SEVERE
5	E	SEVERE SLOPE	SEVERE
6	F	SEVERE SLOPE	SEVERE
7	G	SEVERE SLOPE	SEVERE
8	H	SEVERE SLOPE	SEVERE
9	I	SEVERE SLOPE	SEVERE
10	J	SEVERE SLOPE	SEVERE
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17	Q	SEVERE SLOPE	SEVERE
18	R	SEVERE SLOPE	SEVERE
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20	T	SEVERE SLOPE	SEVERE
21	U	SEVERE SLOPE	SEVERE
22	V	SEVERE SLOPE	SEVERE
23	W	SEVERE SLOPE	SEVERE
24	X	SEVERE SLOPE	SEVERE
25	Y	SEVERE SLOPE	SEVERE
26	Z	SEVERE SLOPE	SEVERE

Description of Soils Onsite
 Cc2 - Chester Silt Loam; 3 to 8 percent slopes, moderately eroded.
 Gc2 - Glenelg Silt Loam; 3 to 8 percent slopes, moderately eroded.
 Gc2 - Glenelg Silt Loam; 8 to 15 percent slopes, moderately eroded.
 Gc2 - Glenelg Silt Loam; 3 to 8 percent slopes.
 M2 - Manor Loam; 3 to 8 percent slopes, moderately eroded.
 M2 - Manor Loam; 8 to 15 percent slopes, moderately eroded.
 M2 - Manor Loam; 15 to 25 percent slopes, moderately eroded.
 M2 - Manor Loam; 25 to 50 percent slopes.

NOTE: No clearing, grading or construction permitted within stream buffer area, slopes greater than 25% or Cc soils line except as permitted by Baltimore County Water Quality & DEPDM.

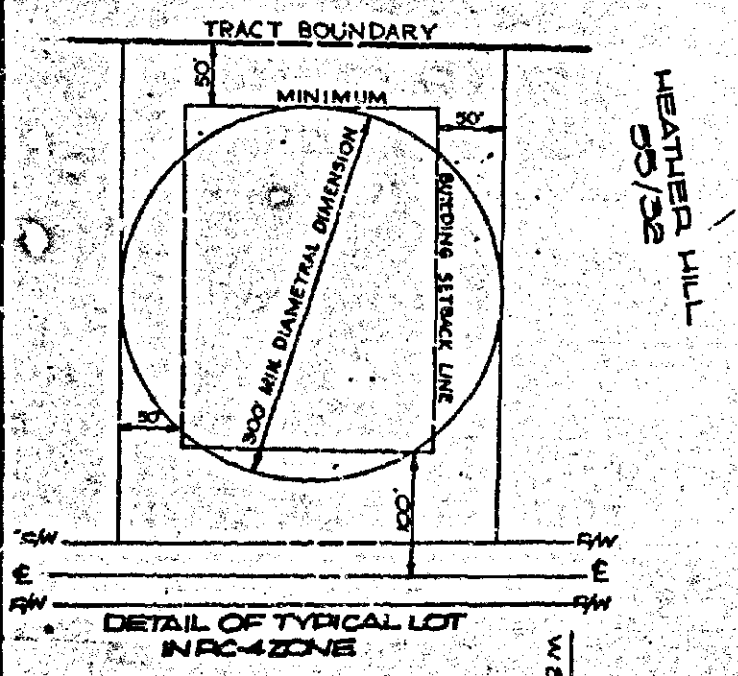
ZONING COMMISSIONER'S NOTE
 This development plan is approved by the Zoning Commissioner as it complies with the Zoning Regulations, that it complies with the present policy, density and bulk controls as they are delineated in the regulations. Any part of the plan of this tract that has been utilized for density to support additional dwellings shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated previously on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.



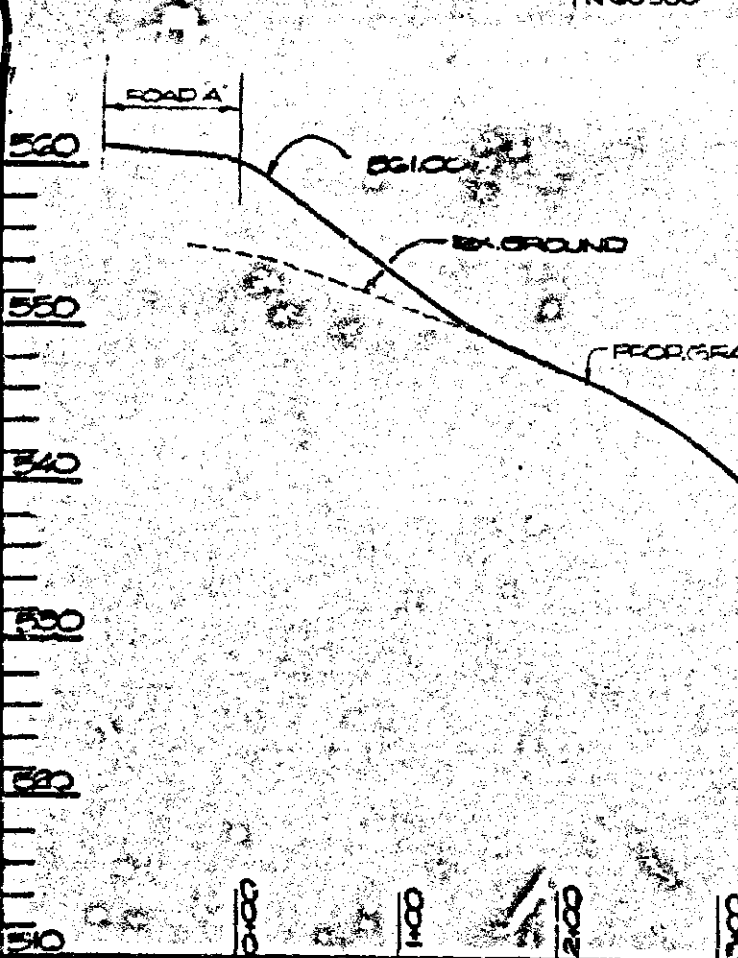
WELL & SEPTIC LOCATIONS
 LIMITATIONS USED FOR PLACING PRIVATE WELLS AND SEWAGE SYSTEMS IN THIS DEVELOPMENT AS SET FORTH BY THE BALTIMORE COUNTY HEALTH DEPARTMENT.

- WELL LOCATIONS SHOULD BE:**
- AT LEAST 10 FEET FROM PROPERTY LINES.
 - AT LEAST 15 FEET FROM ROADS OR DEDICATED RIGHTS-OF-WAY.
 - AT LEAST 30 FEET FROM A BUILDING FOUNDATION.
 - AT LEAST 100 FEET FROM SEPTIC SYSTEMS OR SEWAGE DISPOSAL RESERVE AREAS IN THE PLENUM.
 - AT LEAST 50 FEET FROM SEPTIC SYSTEMS OR SEWAGE DISPOSAL RESERVE AREAS IN THE COASTAL PLAINS.
 - AT LEAST 100 FEET FROM ADJACENT WELLS.
 - AT AN ELEVATION HIGHER THAN OR EQUAL TO THE HIGHEST ELEVATION OF THE SEPTIC SYSTEM.
- SEPTIC SYSTEM RESERVE AREAS SHOULD BE:**
- AT AN ELEVATION LOWER THAN THE WELL AND HOUSE.
 - AT LEAST 20 FEET FROM THE PROPOSED HOUSE.
 - AT LEAST 100 FEET FROM ADJACENT WELLS.
 - AT LEAST 100 FEET FROM PROPERTY LINES OR DEDICATED RIGHTS-OF-WAY.
 - AT LEAST 200 FEET FROM ANY TRIBUTARY OF THE LIBERTY OR LOCH BAY RESERVOIR UNLESS THE PROPOSED AREA IS WITHIN 200 FEET OF THE HIGH WATER LEVEL LINE OF THE RESERVOIR, IN WHICH CASE IT SHALL BE AT LEAST 300 FEET FROM ANY TRIBUTARY OF THE RESERVOIR.

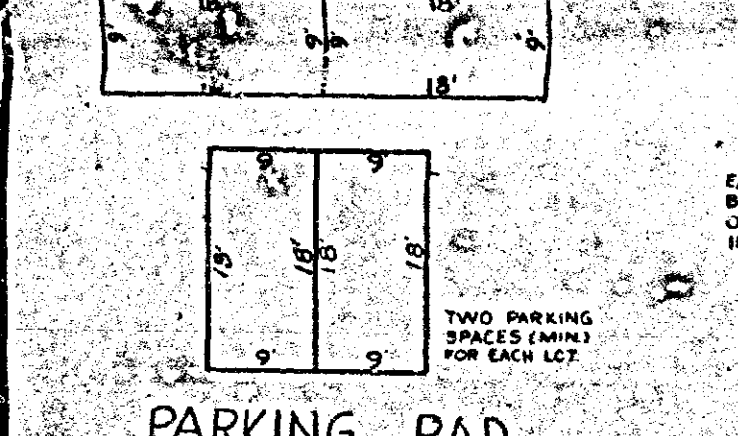
- Measures to prevent soil erosion or sloughing both during and following construction:**
- Maryland Department of Natural Resources and Baltimore County Soil Conservation District standards shall be adhered to in compliance with soil grading and sediment control plans to be approved by the Baltimore County Soil Conservation District.
 - Sediment shall be contained at the edge of the disturbed area abutting the steep slopes by a double-staked silt fence.
 - Pending construction of dwellings, all disturbed areas adjacent to the steep slopes shall be seeded and mulched to produce a quick growing cover during the growing season, or mulched and tacked off during the growing season, in accordance with Baltimore County Soil Conservation District specifications.
 - Grading and development adjacent to the steep slopes shall be done so as to not and not concentrate runoff flows. Splash blocks shall be provided at all gutter downspouts so as to begin sloping close to the houses and to avoid concentrated flows at and onto the steep slopes.
 - All steep-sloped areas not disturbed will be maintained in present forested, vegetative cover.



TRACT BOUNDARY
 MINIMUM DIAMETER 100 FEET
 EXISTING STAKE LINE
 NEW STAKE LINE

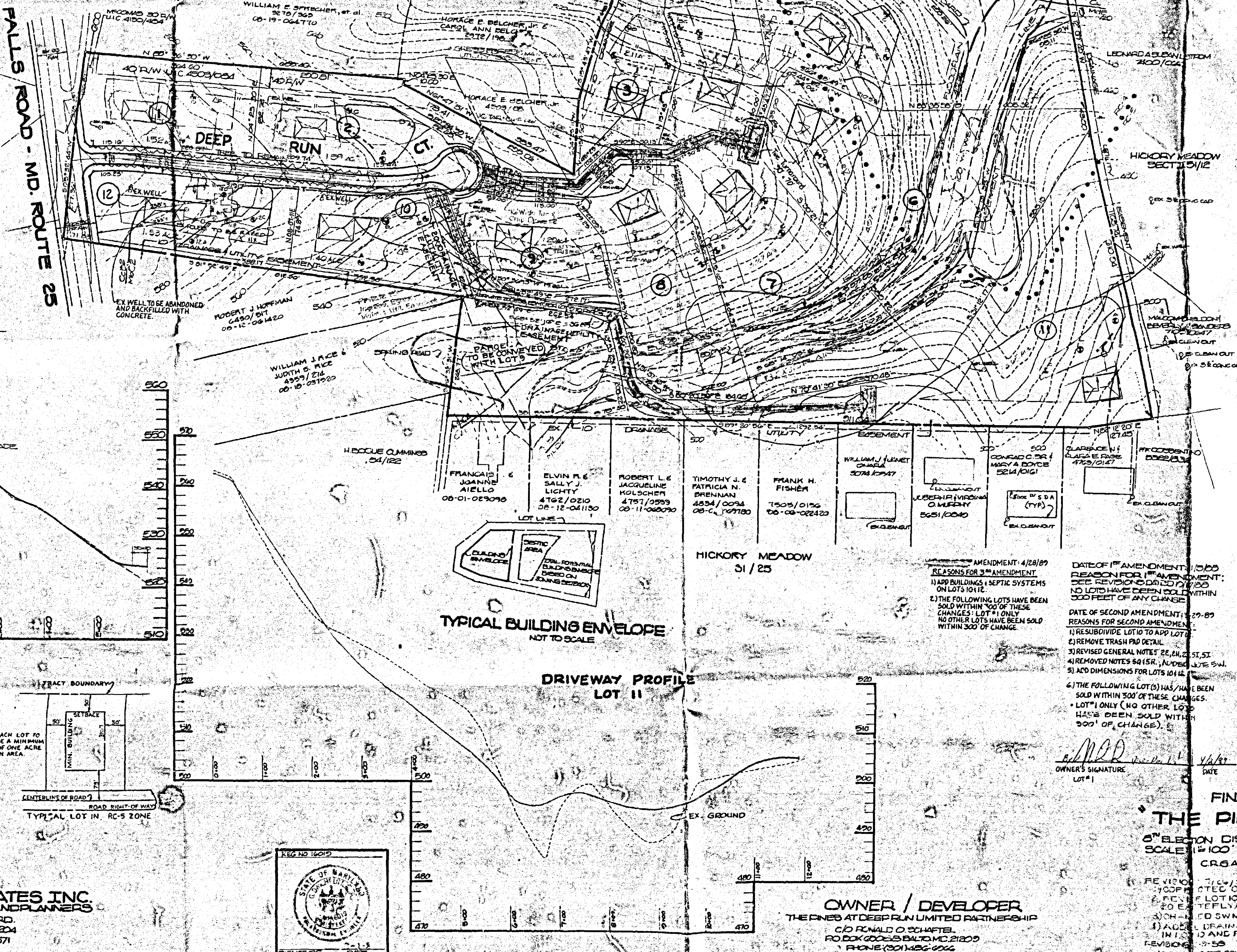


PARKING PAD DETAIL
 TWO PARKING SPACES (MIN) FOR EACH LOT



TYPICAL LOT IN RC-5 ZONE
 EACH LOT TO BE A MINIMUM OF ONE ACRE IN AREA

WIDUVAL ASSOCIATES INC.
 ENGINEERS SURVEYORS LAND PLANNERS
 550 EAST JORDAN RD.
 TOWSON, MARYLAND 21204
 PHONE (301) 253-2371



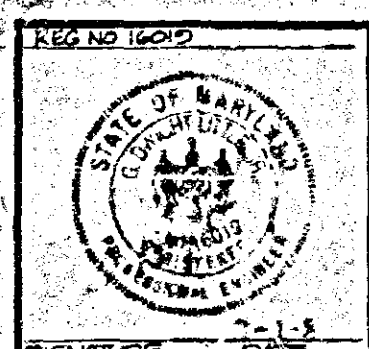
- GENERAL NOTES:**
- Site Location Information
 - Election District No. 8 Councilmanic No. 3
 - Regional Planning District #307A Census Tract No. 4083
 - Watershed No. 11/Subwatershed No. 36
 - Density Information
 - Existing Zoning on Site RC-4 (10.23Ac.), RC-5 (27.97Ac.)
 - Gross Acreage 37.61 AC
 - Net Acreage 37.61 AC
 - Total Number of Units Allowed in RC-5: 27.97 AC x .667 = 18.66 Units; In RC-4: 10.23 AC x .22 = 2.25 Units; Total: 20.91
 - Total Number of Units Proposed: 12 Single Family Dwellings
 - Open Space Required: None
 - Open Space Proposed: None
 - Parking Required: 2 Spaces Per Unit x 12 Units = 24 Spaces
 - Parking Proposed: 24 Spaces
 - Property Information
 - Owner's Name: The Pines at Deep Run Limited Partnership
 - Owner's Address: P.O. Box 65088 Baltimore, MD 21209
 - Deed Reference: 7667/459
 - Tax Account No. 08-02-020400
 - Developer: Same as Owner
 - Engineer: W. Duvall & Associates
 - References for Existing Features Shown on Plan
 - Topography Taken from 200 Scale Baltimore County Photogrammetric Map No. NM16D
 - Status of Streams & Swales Determined by an On-site Investigation.
 - Soils Types, Locations, & Data Taken from U.S. Dept. of Agriculture Soil Survey Book of Baltimore County Maryland
 - Boundary Information was Compiled from Deeds Purchased from the Land Records Office of Baltimore County, as was the Ownership Information for Adjacent Properties
 - Existing Land status & Locations of Wells, Septic Clean-Outs, Storm Drain Pipes, Spring Heads, Wood Lines, Etc., were determined by Field Investigation.
 - Zoning Lines & Status were taken from Baltimore County Zoning Maps.
 - General Information Concerning the Existing & Proposed Status of the Site.
 - Site 90% Wooded (Ex.) Additional Tree Clearing to be done only when Necessary for Construction of Roads, Driveways, Homesites & WQM Facility
 - Public Water and Sewer are not Presently Available.
 - There are no Critical Areas, Archeological Sites, Endangered Species Habitats, Hazardous Waste Materials or Historical Buildings found within the Site Boundaries.
 - All Units are for Sale.
 - Site Not Subject to Residential Transition Area Requirements.
 - Storm Water Management Waiver Approved March 7, 1989
 - Individual Units will comply with all Applicable Baltimore County Requirements for Setback.
 - No Change is Proposed to Existing Grades Except that Required for the Installation of Roads, Driveways, Homesites & WQM Facility
 - Estimated Average Daily Trips (A.D.T.'s): 149 Total
 - Refuse to be Collected by Baltimore County, IN STREET R/W.
 - Owners of Common Panhandle Driveways shall have a Maintenance Agreement Before the Recording of any Deeds.
 - Street Lights shall be 100 Watt Mercury Vapor Fixtures Atop 14' Poles and are Shown on Plans as ▲.
 - Septic Systems for all Lots to have Trenches.
 - No more than 10% of any Lot in an RC-4 Zone may be Covered by Impervious Surfaces.
 - No more than 25% of the Natural Vegetation may be Removed from any Lot in a RC-4 Zone.

- CRG PLAN NOTE**
 This development plan complies with the CRG plan and all CRG Comments.
- REVISIONS LISTED**
- 1) Labeled Part Test G
 - 2) Added Part Test H
 - 3) Revised WQM Facility Easement
 - 4) Corrected Drainage Buffer
 - 5) Revised Trench Location on LOT 11
 - 6) Adjusted Boundary to include Ex. 40' Right of Way (Adjacent to Lots 1, 2, 3)
 - 7) Revised Density Calculations

3RD AMENDED FINAL DEVELOPMENT PLAN
"THE PINES AT DEEP RUN"
 8TH ELECTION DISTRICT
 SCALE: 1"=100'
 BALTIMORE COUNTY, MD.
 DATE: 6-24-85
 CRG APPROVAL DATE: 2-10-86

OFFICE OF PLANNING AND ZONING
 APPROVED BY:
 DIRECTOR OF PLANNING _____ DATE _____
 ZONING COMMISSIONER _____ DATE _____

OWNER / DEVELOPER
 THE PINES AT DEEP RUN LIMITED PARTNERSHIP
 C/O RONALD O. SCHAFFEL
 P.O. BOX 6005 BALTO, MD 21209
 PHONE (301) 486-0066



Pet. Exp. 2.

IN THE MATTER OF THE
APPLICATION OF ASHLAND
HOMEOWNERS' ASSOCIATION
A SPECIAL HEARING ON PROPERTY
LOCATED ON THE SOUTHEAST CORNER
ASHLAND & PAPER MILL RDs.
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
CASE NO. 90 CG 3013

ORDER OF COURT AFFIRMING
BOARD OF APPEALS

It is ORDERED by the Circuit Court for Baltimore County
this 26th day of September, 1991 that the decision of the Board of
Appeals dated June 27, 1990 granting the Petition For Special Hearing
to approve a 2nd Amendment to the development plan of Ashland located
in the Texas/Cockeysville Section of Baltimore County is affirmed.
The Petition was sought by the Ashland Homeowners' Association to
bring into compliance the development plan with the plat for the site
and the true property lines. Opposition by Diane Golden (Golden),
the owner of Lot One, Block A, in the Ashland subdivision, whose lot
is affected by the change, is based on her allegations:

1. The Amendment is violative of Section 1B01.3A1
of the Baltimore County Zoning Regulations.
(BCZR), and
2. That she relied upon representatives of the
developer and her review of the initial final
development plan, and if the 2nd Amendment is allowed,
she will be deprived of property rights.

Granting the Petition means that the Final Development Plan
of Ashland now shows a distance of six (6) feet from a garage on
Golden's property to the end of her property line as opposed to a
distance of fifteen (15) feet as shown on the plat initially filed.

FILED OCT 1 1991

There is no question but that the recorded plat, from which
the Golden lot was deeded to her, the location survey and the deed
metes and bounds reference all show the distance to be 15 feet.

A.
(Reliance and Misrepresentation)

There was conflicting evidence on the issue of what
representations were made by the Developer, what Golden actually
reviewed at the time she purchased her lot and how surprised she was
to find there may be only a 6 foot setback building line as opposed
to a fifteen foot distance between her property line and the garage.

Against the assertion by Golden that she relied on the
designation of a 15 foot distance between a garage located on her
property and her property line by reviewing the Development Plat and
through the representations of the Developer, was the testimony of
Jeanette Tansey (Tansey), a landscape architect, who helped prepare
the Final Development Plan for Ashland. Tansey recounted a telephone
conversation she had with Golden in April, 1989:

- A. ... she stated that she owned approximately 6 feet
from the edge of her garage to her property line which
was not sufficient property to screen her property from
the adjacent homeowners.
- A. ... she said that her house location survey and
the record plat, although neither one of them
actually had a dimension between her garage and the
property line, they looked like they scaled about
six feet, and that when she had the surveyor who
had done the surveying go out there, stake out the
line for her to confirm it, she said it looked like
less, and she was concerned.

It was as a result of that phone call from Golden that
Tansey discovered the error in the Final Development Plan. She

2

testified that she subsequently talked to Golden telling her of the
discrepancy, "and I needed to go through all documents and find out
what had happened, and that I would need a copy of her house location
survey so we could see what was the line correctly staked."

Q. In your conversation with Ms. Golden, did she
indicate to you that she had prior familiarity with the
final development plan?

A. No, she didn't. When I mentioned it, the discrepancy
on the Final Development Plan, she had asked me as to
what that plan was. And I told her she should have
seen it hanging in the trailer. And it didn't seem she
knew anything about it.

Commenting on their responsibility to observe the demeanor
of the witnesses, the Board of Appeals, though the conclusion should
have been more directly stated, concluded in its written opinion that
this factual dispute was resolved against Golden.

B.
(The Discrepancy Resolved)

BCZR 1B01.3A1 provides:

A. Development Plans

1. Purpose. This paragraph is intended:

- a. To provide for the disclosure of development
plans to prospective residents and to protect
those who have made decisions based on such
plans from inappropriate changes therein; and
- b. To provide for review of residential-
development plans to determine whether they
comply with these regulations and with
standards and policies adopted pursuant to the
authority of Section 504.

3

The Developer of Ashland prepared plans for approval of the
development including a Final Development Plan, containing two sheets
and a record plat, all approved by Baltimore County. Page one of the
Final Development Plan showed a distance of 15 feet from a garage
structure existing on the Golden property and her property line.
Page two of the Final Development Plan showed the metes and bounds of
the lots and specifically showed a 6 foot dimension between the
garage and the property line.

Initial plans on Ashland were the subject of a Petition for
Special Hearing before the Zoning Commissioner for Baltimore County
which was filed to permit the non-conforming setbacks of older homes
which did not comply with zoning regulations in effect. The petition
in that zoning case was granted and the Final Development Plan and
record plat were amended to show the approvals, i.e. The First
Amended Final Development Plan and Amended Plat 1 of Ashland.

Testimony showed that in April, 1989 Golden phoned Mr.
Edmund Haile, a principal of Daft-McCune-Walker, Developer's
engineers, to inquire about purchasing additional property from the
Ashland Homeowners Association. At that time, Jeanette Tansey of
Daft-McCune-Walker reviewed the project drawings and discovered the
discrepancy between page one and page two of the First Amended Final
Development Plan as it related to the distance between Golden's
property line and her garage structure.

A Second Amended Final Development Plan was proposed to
correct the discrepancy in the distance of the property line and a
Petition for Special Hearing was filed by Ashland Homeowners
Association. The petition was granted by the Zoning Commissioner for

4

Baltimore County and appealed by Golden to the County Board of
Appeals. Upon receiving oral testimony and written exhibits, the
Board of Appeals granted the approval for the Petition for Special
Hearing to amend the development plan as requested. A distance of
six feet was there shown between the Golden garage structure and her
property line. Golden appealed to this court.

She claims the Board erred as follows:

- (a) In its determination of the distance between
Golden's garage building and the nearest property
line;
- (b) In finding that the 15 foot distance shown on the
final development plan between the property line
and the garage was a drafting error;
- (c) In finding that the plat, deed description and
location survey all clearly show a 6 feet
distance from the building to the property line;
- (d) In finding that obtaining a setback variance would
solve Golden's problem and that the variance would
be easily obtained;
- (e) In failing to find that Golden would be harmed by
the petition if granted;
- (f) In finding that Golden had an obligation to make
certain diligent efforts beyond that which is
required by the statute.

Golden concludes that the error is on sheet 2 of the Final
Development Plan and therefore the plat and the deed must be
corrected to conform with sheet 1; so there will be a fifteen foot
distance between her garage structure and her property line.

At the Board of Appeals hearing, Tansey, a landscape
architect, who participated in the preparation of the Final
Development Plan testified that she was the one who discovered what
she believed to be an error on sheet 1 of the Final Development

5

Plan. She described sheet 1 as showing a 15 foot setback between the
garage and property line on Golden's lot whereas sheet 2, which is a
detail for the record plat, shows the exact bearings and distance on
the property line, and a distance of 6 feet rather than 15 feet.
Tansey testified that the actual measured lineal distance at the site
is about 6 feet. She explained that the purpose of the First Amended
Final Development Plan was to make a change in lot lines on other
lots and to add some notes about a variance.

As to an explanation of how the discrepancy occurred,
Tansey testified:

The initial Final Development Plan had 15 feet on it
and when the changes were made for the first Amendment,
that was not one of the things that was being changed, and
obviously no one saw that there was a problem. So it was
shown because no one thought there was any reason not to
show it. No one realized there was a problem.

Edmond Haile (Haile), a professional engineer and expert
land surveyor, employed by Developer's engineers, testified that the
record plat is the document that is intended to describe the property
to be conveyed. He testified that the proposed amendment is in
keeping with the spirit and intent of the Baltimore County Zoning
Regulations and is in accordance with the requirements of the
Comprehensive Manual of Development Policies. Haile explained that
the Office of Zoning requires one plan which omits detailed property
information and a second sheet which shows detailed property
information (the same information that appeared on the record plat).
Haile concluded that the 15 feet designation shown on sheet 1 of the
Final Development Plan is a mistake.

6

Haile also testified that there is no distance stated in
the deed but that the deed only refers to the lot lines. He related
that sheet 2 of the Final Development Plan is the computation detail
and it is not necessary that the Final Development Plan and the
record plat conform exactly because the Final Development Plan is a
guide to development. There is detail that is developed subsequent
to the preparation of the Final Development Plan. Haile stated that
the recorded plat is not consistent with the 15 feet scaled out on
the First Amended Final Development Plan (sheet 1) but that the
recorded plat is consistent with sheet 2 of the same document.

The Final Development Plan is not intended to be a
conveyance and Haile testified that the deed actually conveying the
property to Golden reflected the metes and bounds description on page
two of the Final Development Plan. Therefore, the Petition requested
was consistent with the Golden deed and the metes and boards
description.

The issue on appeal is whether or not there was sufficient
evidence before the Board of Appeals to make fairly debatable its
approval of the application for approval of the Second Amended Final
Development Plan.

The Board of Appeals determined,

In conducting our hearing, the Board is obviously
afforded with the opportunity to observe the demeanor of
the witnesses before us and adjudge their credibility.
Further, we are obligated to consider the merits of the
Petition for Special Hearing in accordance with the
standards of the BCZR and should not consider the present
or proposed use for the property. After considering all of
the evidence before us and applying these standards, we are
persuaded that the Petition for Special Hearing should be
granted. In our view, the nature of the amendment is to
correct an obvious drafting error. Further, we are
convinced that the Protestant had an opportunity had she

7

made further efforts as diligent as those she described to
ascertain her true property line. The plat, location
survey, and deed reference all clearly demonstrate the true
boundary line between the Homeowners' Association open
space and the Protestant's property. We may also favorably
note Mr. Haile's testimony wherein he suggested that the
property owner might obtain setback variances to solve her
current dilemma. In view of the vast open space owned by
the Homeowners' Association, this would seemingly be easily
accomplished.

This court concludes, in reviewing the transcript of the
testimony before the Board, that the Board's determination in
approving the Second Amended Final Development Plan was at least
fairly debatable and within the sound discretion of the Board.

In *Storch v. Zoning Board of Howard County*, 267 Md. 476,
298 A.2d 8 (1972), the Court cited the trial court oral opinion:

In reaching this conclusion, the court has taken
into consideration all the testimony that is on the
record and proper to be admitted. It does not ignore
that something may be said in support of a different
view. There are few questions which do not admit of
argument, but something more than admissible
controversy is required. Citing: *Lipsitz v. Parr*, 164 Md.
222, 232, 164 A. 743.

267 Md. at 482.

The scope of judicial review of decisions by administrative
agencies is narrow, recognizing that the Board members have expertise
in a particular area and ordinarily should be free to exercise their
discretion in their area of expertise. Judicial review of
administrative agencies is discussed in *Mayor and Aldermen, etc. v.*
Annapolis Waterfront, 284 Md. 383, 396 A.2d 1085,

[A]ccordingly, this Court adheres to the proposition that a
reviewing court will not substitute its judgment for that
of an administrative board where the issue is for that of
an administrative board where the issue is fairly debatable
and the record contains substantial evidence supporting the
administrative decision (citations omitted).

8